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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,400	10/07/1999	JOHN W. SHERRY	884.166US1	3252

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,400

Applicant(s)

SHERRY, JOHN W.

Examiner

James A. Fletcher

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10,12,15,21 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-10,12,15,21 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-10, 12, 15, and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 contains the language "and optionally to store the digital text file as a separate file in the memory." This language is not supported in the specification or drawings, because neither allows the maker or user a means to select the optional function.

The specification states: "Further, the text can be separately stored in parallel to the photo/text file to provide a level of redundancy" and "Alternately, the text is stored as a separate file at 212." Neither of these descriptions discloses, teaches, or suggests a means for the user to select the optional function in the language of independent claim 8.

It appears to the examiner and his primary that the claim language is attempting to combine multiple embodiments (store compressed audio separate from images, store text with images, and store text separate from images) into a single claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al (5,786,851), and in further view of Shipp (6,031,526).

Regarding claim 12, Kondo et al disclose a method of operating a portable digital camera comprising;

- activating a shutter of the camera to capture a light image (Col 4, lines 25-26 "a shutter having both of an iris function and a shutter function");
- converting the light image to digital image data (Col 4, lines 28-30 "an image pickup element such as a CCD or the like for converting reflected light from an object to be photographed to an electric signal");
- activating an audio input (Col 11, lines 45-47 "the mechanical and operation unit controlling CPU 4 detects an audio recording command by the operation display unit 14 of the user");

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- capturing audio input (Col 11, lines 45-47 "the mechanical and operation unit controlling CPU 4 detects an audio recording command by the operation display unit 14 of the user");
- Kondo et al do not disclose converting the audio input into text data.

Shipp teaches the conversion of an audio input into text data (Col 3, lines 29-32 "The output of voice recognition module 20 preferably constitutes electronic text containing digitized character and formatting codes recognized by standard word processing software").

As taught by Shipp, conversion of audio data to text data in a camera system is a well-known, widely used, and commercially available method of storing annotations to illustrations in a compact, editable fashion.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Kondo et al to include conversion of the spoken annotations to text data.

- Kondo et al do not disclose storing the text data and the digital image data as a composite digital file in a memory of the camera.

Shipp teaches the storing the digital image file and the digital text file as a single composite digital data file in the memory (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

As taught by Shipp, storing a voice file converted to a text file integrated into a single digital file provides a well-known, commercially available and widely

used method of storing data that prevents separation of the verbiage and the visual image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store a converted text data with the image data as a single file.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claim 12 above, and further in view of Fukuoka (6,104,430).

Regarding claim 21, Kondo et al do not disclose storing a text data file.

Shipp teaches the storing the digital image file and the digital text file as a single composite digital data file in the memory (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

As taught by Shipp, storing a voice file converted to a text file integrated into a single digital file provides a well-known, commercially available and widely used method of storing data that prevents separation of the verbiage and the visual image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store a converted text data with the image data as a single file.

7. Claims 8-10, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al., further in view of Shipp, and in further view of Fukuoka.

Regarding claim 8, Kondo et al disclose a portable digital camera comprising:

- a lens having a shutter (Col 4, lines 25-26 "a shutter having both of an iris function and a shutter function");

- a photo-sensitive array to capture an image (Col 4, lines 28-30 “an image pickup element such as a CCD or the like for converting reflected light from an object to be photographed to an electric signal”);
- a microphone to capture audio input (Col 4, lines 58-60 “an audio input circuit such as a microphone or the like for inputting an audio signal from the outside”);
- a memory (Col 5, lines 1-2 “the recording medium such as a semiconductor memory card, hard disk, or the like”); and
- a processor coupled to the photo-sensitive array, microphone, and memory (Col 4, lines 51-52 “the memory/bus controller 102 transfers image and audio data”),
- wherein the processor is to convert captured audio input provided by the microphone into either a digital text file or a compressed audio file (Col 5, lines 7-9 “the expansion card having a signal processing section and has a function for compressing and expanding image and audio signals”), and
- wherein the processor is further to convert the captured image into a digital image file (Col 4, line 40 “the A/D converter” and Col 4, lines 40-42 “the signal processing controlling CPU for controlling each unit of the signal processing system”), and
- Kondo et al do not disclose storing a text file.

Shipp teaches the storing the digital image file and the digital text file as a single composite digital data file in the memory (Col 2, lines 34-36 “The

captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

As taught by Shipp, storing a voice file converted to a text file integrated into a single digital file provides a well-known, commercially available and widely used method of storing data that prevents separation of the verbiage and the visual image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store a converted text data with the image data as a single file.

Shipp also teaches to optionally store the digital text file as a separate file in the memory (Col 3, lines 33-39 "word processing module 21...receives the output from voice recognition module 20 and converts it into an editable and readable electronic document...for storage in volatile or non-volatile computer memory 22").

As taught by Shipp, storing text documents as separate files is a well-known, commercially available, and widely used method of storing text documents with a minimum of expense and bother.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store the text data and the image data as separate files.

- Kondo et al suggest recording digitized audio input separately from the image data (Col 13, lines 52-53 "the additional audio signal can be recorded in the

other areas”), but do not specifically disclose the use of separate files in the memory.

Fukuoka teaches the recording of compressed audio and images as separate files in the memory (Fig 19 shows separate image files and audio files).

As suggested by Kondo and taught by Fukuoka, the storing of image and audio data as separate files allows for simple file management, and is a well-known, widely used, and commercially available technique for storing diverse forms of related data.

Therefore, it would have been obvious to modify Kondo et al to store the digital audio data and the digital image data as separate files.

Regarding claim 9, Kondo et al disclose a portable digital camera further comprising an input control to activate the processor to capture audio input provided via the microphone (Col 11, lines 45-47 “the mechanical and operation unit controlling CPU 4 detects an audio recording command by the operation display unit 14 of the user”).

Regarding claim 10, Kondo et al do not disclose a portable digital camera wherein the input control is to respond to an audio command provided via the microphone to the processor.

Shipp teaches the use of voice commands to control an audio recording camera (Col 3, lines 47-50 “Voice recognition module 20 also includes software implemented algorithms which have been taught to recognize certain words of word combinations as voice commands, including system operation”).

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As taught by Shipp, voice command of a digital camera system is a well-known, widely used, and commercially available method of controlling a camera system, providing a highly ergonomic and simple to use control of the camera system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to include voice command of the system through the microphone.

Regarding claim 15, Kondo et al disclose a method of operating a portable digital camera comprising;

- activating a shutter of the camera (Col 4, lines 25-26 "a shutter having both of an iris function and a shutter function") to capture a light image using a photosensitive array (Col 4, lines 28-29 "an image pickup element such as a CCD or the like");
- converting the light image to digital image data (Col 4, lines 28-30 "an image pickup element such as a CCD or the like for converting reflected light from an object to be photographed to an electric signal");
- activating an audio input (Col 11, lines 45-47 "the mechanical and operation unit controlling CPU 4 detects an audio recording command by the operation display unit 14 of the user");
- capturing audio input (Col 11, lines 45-47 "the mechanical and operation unit controlling CPU 4 detects an audio recording command by the operation display unit 14 of the user");

- converting the audio input into either text data or a compressed audio file (Col 5, lines 7-9 "the expansion card having a signal processing section and has a function for compressing and expanding image and audio signals");
- Kondo et al do not disclose storing a text file.

Shipp teach the storing the digital image file and the digital text file as a single composite digital data file in the memory (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

As taught by Shipp, storing a voice file converted to a text file integrated into a single digital file provides a well-known, commercially available and widely used method of storing data that prevents separation of the verbiage and the visual image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store a converted text data with the image data as a single file.

- Kondo et al suggest recording digitized audio input separately from the image data (Col 13, lines 52-53 "the additional audio signal can be recorded in the other areas"), but do not specifically disclose the use of separate files in the memory.

Fukuoka teaches the recording of compressed audio and images as separate files in the memory (Fig 19 shows separate image files and audio files).

As suggested by Kondo and taught by Fukuoka, the storing of image and audio data as separate files allows for simple file management, and is a well-known, widely used, and commercially available technique for storing diverse forms of related data.

Therefore, it would have been obvious to modify Kondo et al to store the digital audio data and the digital image data as separate files.

Regarding claim 22, Kondo et al do not disclose storing a text data file.

Shipp teaches the storing the digital image file and the digital text file as a single composite digital data file in the memory (Col 2, lines 34-36 "The captured video frame is integrated with the dictated text and then constitutes an electronic medical record")

As taught by Shipp, storing a voice file converted to a text file integrated into a single digital file provides a well-known, commercially available and widely used method of storing data that prevents separation of the verbiage and the visual image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kondo et al to store a converted text data with the image data as a single file.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

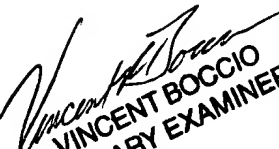
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
June 6, 2004


VINCENT BOCCIO
PRIMARY EXAMINER